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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,535	10/07/2004	Robert Vincent Krakora	Pu020105	2328

7590 12/21/2010  
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Princeton, NJ 08543-5312

EXAMINER
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BAIG, SAHAR A

ART UNIT	PAPER NUMBER
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2424

MAIL DATE	DELIVERY MODE
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12/21/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/510,535	KRAKORA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	SAHAR A. BAIG	2424	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 January 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/13/2010 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6, 7-12, and 14-19 rejected under 35 U.S.C. 103(a) as being unpatentable over O'Callaghan et al. US Patent No. 5,477,263 in view of Dokic US Patent No. 5,959,659.

Regarding Claim 1, 7, and 14, O'Callaghan discloses a method for reducing channel change times [**Col. 4 lines 12-15**], comprising:

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receiving a channel change command **[Col. 4 lines 40-42]**, immediately initiating caching of an incoming data stream associated with a newly selected channel in response to the channel change command **[Col. 4 lines 48-50 & Col. 4 line 63-Col. 5 line 3]**, the cached data stream including decoder synchronization data; finding a first instance of decoder synchronization data within the cached data stream including decoder synchronization data received before the program specific information found in the incoming data stream; and decoding the incoming data stream associated with the newly selected channel in response to the first instance of decoder synchronization data **[Col. 8 lines 24-51]**.

O'Callaghan fails to clearly disclose finding program specific information included within the incoming data stream. In an analogous art, Dokic discloses finding program specific information included within the incoming data stream **[Col. 2 lines 8-11]**. Therefore it would have been obvious to combine the teachings of O'Callaghan and Dokic to devise a system capable of reducing channel switching latency.

Regarding Claims 2, 8, and 15 Dokic discloses a method wherein the program specific information comprises program association table data and program map table data **[Col. 2 lines 11-17]**.

Regarding Claim 3, 9, and 16 Dokic discloses a method wherein the step of

finding the program specific information includes filtering data from the cached data stream **[Col. 8 lines 24-26]**.

Regarding Claims 4, 10, and 17 Dokic discloses a method wherein the data filtered from the cached data stream comprises program map table data **[Col. 8 lines 58-60]**.

Regarding Claims 5, 11, and 18 Dokic discloses a method wherein the decoder synchronization data corresponds to sequence headers according to the MPEG standards **[Col. 1 lines 53-57]**.

Regarding Claims 6, 12, and 19 Dokic discloses a method wherein the step of finding the program specific information comprises: finding program association table data within the incoming data stream; finding program map table data using the program association table data **[Col. 2 lines 8-17]**; and finding at least one of video program identification data and audio program identification data using the program map table data **[Col. 2 lines 29-36]**.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 13, 20, 22, and 24 rejected under 35 U.S.C. 103(a) as being unpatentable over O'Callaghan et al. US Patent No. 5,477,263 in further view of Unger et al. US PG Pub No. 2002/0196939.

Regarding Claims 13 and 20, O'Callaghan is silent about the implementation of the system in a digital subscriber line set-top box. In an analogous art, Unger discloses that this decoding is performed at the subscriber unit [0005]. Therefore it would have been obvious to one of ordinary skill in the art to implement this at the subscriber side so that the channel change time may be reduced.

Regarding Claims 22 and 24, Unger discloses a method wherein header information corresponds to sequence headers according to the MPEG standards [0082].

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 21 and 23 rejected under 35 U.S.C. 102(b) as being anticipated by O'Callaghan et al. US Patent No. 5,477,263.

Regarding Claims 21 and 23, O'Callaghan discloses an apparatus comprising **[Figure 6]**: a memory **[item 665]** for immediately caching an incoming data stream associated with a newly selected channel responsive to a channel change command **[Col. 4 lines 48-50 & Col. 4 line 63 – Col. 5 line 3]**, the cached data stream including header information used to start decoding video data included in the incoming data stream; a processor adapted to initiate the caching of the incoming data stream in response to receipt of the channel change command, and to find the a first instance of header information included within the cached data stream **[Col. 3 line 39 – 48]**; and a decoder **[Figure 6 item 630]**, coupled to the memory, and adapted to decode the cached data stream responsive to the first instance of header information **[Figure 7 items 702 & 704]**.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAHAR A. BAIG whose telephone number is (571)270-3005. The examiner can normally be reached on Monday-Friday (8:00 - 4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher Kelley/  
Supervisory Patent Examiner, Art  
Unit 2424

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